

AMENDED IN SENATE JUNE 25, 2012

AMENDED IN SENATE JUNE 13, 2011

AMENDED IN ASSEMBLY APRIL 12, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 955

Introduced by Assembly Member Huber
(Principal coauthor: ~~Assembly Member Logue~~)
(Principal coauthor: Senator Gaines)
(Coauthors: ~~Assembly Members Chesbro and Nielsen~~)

February 18, 2011

An act to amend ~~Section 13291~~ *Sections 5073.5, 5073.7, and 5074* of the ~~Water~~ *Public Resources* Code, relating to ~~water quality~~ *recreational trails*.

LEGISLATIVE COUNSEL'S DIGEST

AB 955, as amended, Huber. ~~Onsite sewage treatment systems.~~
Recreational trails: California Recreational Trails Committee.

(1) *Existing law, until January 1, 2013, requires the Governor to establish the California Recreational Trails Committee and appoint 7 members selected from lists submitted by private organizations that have a demonstrated interest in the establishment of recreational trails.*

This bill would instead extend the authorization for the committee to January 1, 2028, and require that the members be appointed based on their demonstrated interest and involvement in the establishment and promotion of recreational trails.

(2) *Existing law, until January 1, 2013, limits the terms of the members of the committee to 4 years, without compensation, other than*

reimbursement for actual and necessary expenses, including traveling expenses, incurred in the performance of member duties.

This bill would extend the applicability of these provisions to January 1, 2028.

(3) Existing law, until January 1, 2013, requires that the committee, among other duties, review records of easements and other interests in lands which are available for recreational trail usage, including public lands, utility easements, other rights-of-way, gifts, or surplus public lands which may be adaptable for such use, and also advise the Director of Parks and Recreation in the development of standards for trail construction. Existing law also requires the committee to study the problems and opportunities presented by the use of private property for recreational trail use and advise the director on measures to mitigate undesirable aspects of such usage.

This bill would instead require that the committee, until January 1, 2028, review statewide trail planning efforts, assist with resolution of trail issues and user-group conflicts, and advise in the development of trail planning and management guidelines that may be available to public and private land managers. The bill would also require the committee to advise the director in the development of state park trail guidelines.

~~Existing law, the Porter-Cologne Water Quality Control Act, on or before January 1, 2004, requires the State Water Resources Control Board, in consultation with other entities, to adopt regulations or standards for the permitting and operation of specified onsite sewage treatment systems. The act requires the state board to apply those regulations or standards to those systems commencing 6 months after their adoption. The act requires the regulations or standards to include exemption criteria established by the California regional water quality control boards. The act requires the regulations to include minimum operating requirements and requires that the regulations authorize a qualified local agency to implement the requirements adopted under the act if the local agency requests authorization.~~

~~This bill would require the regulations or standards to consist of a risk-based, tiered approach. The bill would specify that the exemption criteria to be contained in the regulations or standards may also be established by the state board in addition to the regional boards. The bill would delete from the local agency implementation provision the condition that the local agency request authorization.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 5073.5 of the Public Resources Code is*
2 *amended to read:*

3 5073.5. (a) The Governor shall establish a California
4 Recreational Trails Committee to advise the director in the
5 development and coordination of the system. The committee shall
6 consist of seven members appointed by the Governor. Two
7 members shall be selected from the northern, two members from
8 the southern, and two members from the central portions of the
9 state, and one member shall be selected at large. Members shall
10 be selected ~~from lists submitted by private organizations that have~~
11 a *based on their demonstrated interest and involvement* in the
12 establishment *and promotion* of recreational trails. The chair of
13 the committee shall be elected by the members from their
14 membership.

15 (b) This section shall remain in effect only until January 1, ~~2013~~
16 2028, and as of that date is repealed, unless a later enacted statute,
17 that is enacted before January 1, ~~2013~~ 2028, deletes or extends
18 that date.

19 *SEC. 2. Section 5073.7 of the Public Resources Code is*
20 *amended to read:*

21 5073.7. (a) The terms of the members of the committee shall
22 be four years, except that such members first appointed to the
23 committee shall classify themselves by lot so that the term of three
24 members shall expire January 15, 1976, the term of two members
25 shall expire January 15, 1977, and the term of two members shall
26 expire January 15, 1978.

27 Members of the committee shall serve without compensation,
28 but shall be reimbursed for actual and necessary expenses,
29 including traveling expenses, incurred in the performance of their
30 duties.

31 (b) This section shall remain in effect only until January 1, ~~2013~~
32 2028, and as of that date is repealed, unless a later enacted statute,
33 that is enacted before January 1, ~~2013~~ 2028, deletes or extends
34 that date.

1 SEC. 3. *Section 5074 of the Public Resources Code is amended*
2 *to read:*

3 5074. The committee shall have the following powers and
4 duties:

5 (a) Coordinate trail planning and development among cities,
6 counties, and districts. In carrying out this responsibility, the
7 committee shall review ~~records of easements and other interests~~
8 ~~in lands which are available for recreational trail usage, including~~
9 ~~public lands, utility easements, other rights-of-way, gifts, or surplus~~
10 ~~public lands which may be adaptable for such use~~ *statewide trail*
11 ~~planning efforts, assist with resolution of trail issues and~~
12 ~~user-group conflicts, and shall advise in the director in the~~
13 ~~development of standards for trail construction so that uniform~~
14 ~~construction standards may be available to cities, counties, and~~
15 ~~districts~~ *development of trail planning and management guidelines*
16 *that may be available to public and private land managers.*

17 (b) Advise the director in the preparation and maintenance of
18 the plan *and the development of state park trail guidelines.*

19 ~~(c) Study the problems and opportunities presented by the use~~
20 ~~of private property for recreational trail use and advise the director~~
21 ~~on measures to mitigate undesirable aspects of such usage.~~

22 ~~(d)~~

23 (c) This section shall remain in effect only until January 1, 2013
24 2028, and as of that date is repealed, unless a later enacted statute,
25 that is enacted before January 1, 2013 2028, deletes or extends
26 that date.

27 ~~SECTION 1. The Legislature finds and declares the following:~~

28 ~~(a) The Legislature commends the State Water Resources~~
29 ~~Control Board for listening to public concerns regarding the onsite~~
30 ~~sewage treatment system regulatory program and responding to~~
31 ~~those concerns by reevaluating regulations adopted pursuant to~~
32 ~~Chapter 781 of the Statutes of 2000 (Assembly Bill 885 of the~~
33 ~~1999-2000 Regular Session).~~

34 ~~(b) The Legislature encourages the board to draft regulations~~
35 ~~that ensure local control, cure failing septic systems, and minimize~~
36 ~~costs to homeowners.~~

37 ~~(c) It is the intent of the Legislature to assist the board's efforts~~
38 ~~through clarifying legislation if necessary.~~

39 ~~SEC. 2. Section 13291 of the Water Code is amended to read:~~

1 ~~13291. (a) On or before January 1, 2004, the state board, in~~
2 ~~consultation with the State Department of Public Health, the~~
3 ~~California Coastal Commission, the California Conference of~~
4 ~~Directors of Environmental Health, counties, cities, and other~~
5 ~~interested parties, shall adopt regulations or standards that consist~~
6 ~~of a risk-based, tiered approach for the permitting and operation~~
7 ~~of all of the following onsite sewage treatment systems in the state,~~
8 ~~and shall apply those regulations or standards commencing six~~
9 ~~months after their adoptions:~~

10 ~~(1) Any system that is constructed or replaced.~~
11 ~~(2) Any system that is subject to a major repair.~~
12 ~~(3) Any system that pools or discharges to the surface.~~
13 ~~(4) Any system that, in the judgment of a regional board or~~
14 ~~authorized local agency, discharges waste that has the reasonable~~
15 ~~potential to cause a violation of water quality objectives, or to~~
16 ~~impair present or future beneficial uses of water, or to cause~~
17 ~~pollution, nuisance, or contamination of the waters of the state.~~

18 ~~(b) Regulations or standards adopted pursuant to subdivision~~
19 ~~(a), shall include, but shall not be limited to, all of the following:~~

20 ~~(1) Requirements that local programs include minimum~~
21 ~~operating standards that may include siting, construction,~~
22 ~~performance requirements, and monitoring to determine system~~
23 ~~performance.~~

24 ~~(2) Requirements for onsite sewage treatment systems adjacent~~
25 ~~to impaired waters identified pursuant to subdivision (d) of Section~~
26 ~~303 of the federal Clean Water Act (33 U.S.C. Sec. 1313(d)).~~

27 ~~(3) Requirements authorizing a qualified local agency to~~
28 ~~implement the requirements adopted under this chapter within its~~
29 ~~jurisdiction.~~

30 ~~(4) Requirements for corrective action when onsite sewage~~
31 ~~treatment systems fail to meet the requirements or standards.~~

32 ~~(5) Exemption criteria to be established by the state board or~~
33 ~~the regional boards.~~

34 ~~(6) Requirements for determining a system that is subject to a~~
35 ~~major repair, as provided in paragraph (2) of subdivision (a).~~

36 ~~(c) This chapter does not diminish or otherwise affect the~~
37 ~~authority of a local agency to carry out laws, other than this chapter,~~
38 ~~that relate to onsite sewage treatment systems.~~

39 ~~(d) This chapter does not preempt any regional board or local~~
40 ~~agency from adopting or retaining standards for onsite sewage~~

- 1 treatment systems that are more protective of the public health or
- 2 the environment than this chapter.
- 3 (e) ~~Each regional board shall incorporate the regulations or~~
- 4 ~~standards adopted pursuant to subdivisions (a) and (b) into the~~
- 5 ~~appropriate regional water quality control plans.~~